

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

**LCB File No. R159-01**

December 5, 2001

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-17, NRS 483.908 and 483.912.

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

**Sec. 2. 1.** *A person who is applying for registration as a third party certifier pursuant to NAC 483.190 must complete an application on a form provided by the department. This form may include, without limitation:*

- (a) An authorization for an investigation of the background of the applicant;*
- (b) The personal history of the applicant;*
- (c) The driving history of the applicant; and*
- (d) A statement that the applicant has read and will comply with the regulations and requirements for certification adopted by the department.*

*2. In evaluating the eligibility of an applicant for registration as a third party certifier, the department may consider the class of his driver's license, his driving history and any additional information which the department deems pertinent to his eligibility.*

*3. The evaluation of an application for registration as a third party certifier may include an inspection of the site of the applicant's place of business. This inspection may include, without limitation, a visual inspection of:*

- (a) The vehicles used for training;*
- (b) Copies of training programs;*
- (c) Skill tests;*
- (d) Driving tests;*
- (e) Tests of laws and regulations; and*
- (f) Qualifications of instructors.*

*4. If the department denies an application, it will notify the applicant by certified mail of its decision. Except as otherwise provided in section 3 of this regulation, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures he has taken to correct the deficiency that caused the denial of the original application.*

**Sec. 3. 1.** *The department may revoke the registration of a third party certifier who is registered pursuant to NAC 483.190 if:*

- (a) The third party certifier has been convicted of:*
  - (1) Driving under the influence of an intoxicating liquor or a controlled substance within the past 7 years;*
  - (2) A gross misdemeanor or felony relating to the management of money or a business;*
  - (3) Fraud;*
  - (4) Embezzlement; or*
  - (5) Possessing more than one valid driver's license issued to him under a name other than his own, or issued to him by more than one state, or both; or*
- (b) The department determines that the third party certifier falsified an application or any other information to obtain or maintain his registration as a third party certifier.*

*2. Any third party certifier whose registration is revoked pursuant to this section:*

*(a) May not reapply for registration until 2 years after the date of revocation; and*

*(b) Must attend a training program approved by the department for the certification of a driver at the time he reapplies for registration as a third party certifier.*

*3. Within 30 days after revocation of his registration pursuant to this section, a third party certifier may request a hearing on the question of whether he committed one or more acts constituting grounds for such revocation. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS and judicial review must be available as provided therein.*

**Sec. 4.** NAC 483.010 is hereby amended to read as follows:

483.010 1. As used in this chapter, unless the context otherwise requires, the words and terms defined by NRS 483.025 to 483.190, inclusive, *sections 2 and 3 of this regulation* and subsections 2 and 3 of this section have the meanings ascribed to them in those sections.

2. “Department” means the department of motor vehicles and public safety.

3. “Good cause to believe” means there are facts sufficient to warrant the belief in a reasonable person that the matter in question is true.

**Sec. 5.** NAC 483.100 is hereby amended to read as follows:

483.100 As used in NAC 483.100 to 483.196, inclusive, *and sections 2 and 3 of this regulation*, the words and terms defined in this section and NRS 486.031 to 486.057, inclusive, have the meanings ascribed to them in those sections unless the context otherwise requires:

1. “Bus” has the meaning ascribed to it in NRS 482.013.

2. “Gross vehicle weight rating” means the weight specified by the manufacturer as the loaded weight of a single vehicle.

3. *“Third party certifier” means a person registered by the department pursuant to NAC 483.140 or 483.190, or both, to certify the driving ability of another person. The term includes a third party examiner and a third party tester, as those terms are used in 49 C.F.R. § 383.75.*

Sec. 6. NAC 483.130 is hereby amended to read as follows:

483.130  ~~[If an employer is authorized by the department to conduct the driving skills test for an employee for a class A, class B or class C driver’s license, the]~~ *The* department may ,  ~~[accept an affidavit of certification of the driving ability of the employee, on a form provided by the department.]~~ *in lieu of the driving skills test conducted by the department [.] , accept an affidavit of certification of the driving ability of a person if the affidavit of certification is:*

1. *Completed by a third party certifier who is registered pursuant to NAC 483.140; and*
2. *On a form provided by the department.*

Sec. 7. NAC 483.140 is hereby amended to read as follows:

483.140 1. Any person doing business in this state who owns or leases  ~~[20]~~ *10* or more vehicles for which a class A, class B or class C driver’s license is required , *or the authorized representative of such a person,* may apply to the department for  ~~[authorization to]~~ *registration as a third party certifier. Except as otherwise provided in subsection 2, a third party certifier may* certify the driving ability of  ~~[a person employed by him]~~ *another person* who desires to obtain a class A, class B or class C driver’s license and  ~~[to]~~ *may* 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 20 or more vehicles for which a class A, class B or class C driver’s license is required, at least one of which is a vehicle for which a class A driver’s license is required, may certify]~~ *registered as a third party certifier shall not:*

(a) *Certify* the driving ability of ~~[the employee and sign]~~ *another person unless the third party certifier has at his disposal at least one vehicle requiring the same class of driver's license as the class of driver's license for which the other person's driving ability is being certified; or*

(b) *Sign* an affidavit of certification for the operation of a vehicle for which a ~~[class A]~~ *particular class of* driver's license is required ~~[-~~

~~—3.— A person who is authorized to certify the driving ability of an employee, and who owns or leases 20 or more vehicles for which a class A, class B or class C driver's license is required, at least one of which is a vehicle for which a 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 B driver's license is required.~~

~~—4.— A person who is authorized to certify the driving ability of an employee, and who owns or leases 20 or more 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 a vehicle for which a class C driver's license is required.~~

~~—5.— A person who is authorized to certify the driving ability of an employee]~~ *unless the third party certifier has at his disposal at least one vehicle requiring the same class of driver's license as that required for the vehicle the operation of which is to be certified by affidavit.*

3. *A third party certifier* must:

(a) Successfully complete a 40-hour course provided by the department for administering a driving skills test for a commercial driver's license;

(b) Hold a *valid* license of the class and type for which he is certifying *the* driving ability of ~~[that employee]~~ *another person* and signing an affidavit of certification, but may not sign for himself; and

(c) Administer the driving skills test in ~~[the same]~~ *a* class of vehicle ~~[for which]~~ *requiring* the *same* class and type of license *as the class and type of license for which* the ~~[employee's]~~ *other person's* driving ability is being certified. ~~[is required.]~~

~~—6.]~~

4. The department ~~[will]~~ *may* 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, class B or class C driver's license is required.]~~ *registers as a third party certifier*. This number must be used when completing an affidavit of certification.

**Sec. 8.** NAC 483.150 is hereby amended to read as follows:

483.150 1. A person who is applying for ~~[authority to certify the driving ability of an employee]~~ *registration as a third party certifier pursuant to NAC 483.140* must complete an application on a form provided by the department. This form may include, ~~[but is not limited to:]~~ *without limitation:*

- (a) An authorization for an investigation of the background of the applicant;
- (b) An authorization for an investigation of the credit of the applicant;
- (c) The personal history of the applicant;
- (d) The driving history of the applicant; and
- (e) A statement that the applicant has read and will comply with the regulations and requirements for certification adopted by the department.

2. In evaluating ~~[a person's eligibility for certifying the driving ability of an employee and signing an affidavit of certification.]~~ *the eligibility of an applicant for registration as a third party certifier*, the department may consider the class of his driver's license, his driving history and any additional information which ~~[it]~~ *the department* deems pertinent to his eligibility.

3. The evaluation of an application for ~~[authority to certify the driving ability of an employee]~~ *registration as a third party certifier* may include ~~[a visit to]~~ *an inspection of the site* of the applicant's place of business. This ~~[visit]~~ *inspection* may include, ~~[but is not limited to,]~~ *without limitation*, a visual inspection of:

- (a) The vehicles used for training;
- (b) Copies of training programs;
- (c) Skill tests;
- (d) Driving tests;
- (e) Tests of laws and regulations; and
- (f) Qualifications of instructors.

4. If the department ~~[disapproves]~~ *denies* an application, it will notify the applicant by certified mail of its ~~[disapproval and the reason for the disapproval.]~~ *decision*. Except as otherwise provided in NAC 483.183, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures he has taken to correct the deficiency that caused the ~~[disapproval]~~ *denial* of the original application.

**Sec. 9.** NAC 483.160 is hereby amended to read as follows:

483.160 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]~~ *third party certifier, or by the person, if any, for whom the third party certifier serves as an authorized representative*, falls below the

minimum requirement of ~~[20]~~ 10 vehicles, the ~~[person]~~ *third party certifier* 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.]~~

2. If a ~~[person authorized to certify the driving ability of an employee]~~ *third party certifier* 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]~~ *third party certifier* shall notify the department within 10 days after a change in address.

4. Any ~~[person assigned a number by the department]~~ *third party certifier registered pursuant to NAC 483.140* may renew ~~[the authorization]~~ *his registration* each year on a form furnished by the department. If the ~~[person]~~ *third party certifier* fails to renew the ~~[number]~~ *registration* within 30 days after the date of expiration, his ~~[authority to certify the class A, class B or class C driving test of an employee expires.]~~ *registration as a third party certifier expires and he must reapply for registration as a third party certifier in the manner set forth in NAC 483.150.*

**Sec. 10.** NAC 483.170 is hereby amended to read as follows:

483.170 1. The department may ~~[monitor all persons authorized to certify the driving ability of an employee annually]~~ , *on an annual basis* 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.]~~ , *monitor the:*

(a) *Instruction given;*

(b) *Teaching skills demonstrated; and*



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*(c) Testing performed,*

*by a third party certifier who is registered pursuant to NAC 483.140.*

2. If the department determines after an inspection that a ~~[person]~~ *third party certifier* no longer meets the requirements for ~~[certifying the driving ability of an employee,]~~ *registration as a third party certifier*, it will notify the ~~[person]~~ *third party certifier* of the deficiencies. If the deficiencies are minor, the ~~[person]~~ *third party certifier* may be allowed not more than 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 reason for the revocation. The person authorized to certify the driving ability of an employee may appeal the revocation to the departmental hearing officer within 20 days after receipt of the notice.]~~

*department will revoke the registration of the third party certifier.*

**Sec. 11.** NAC 483.180 is hereby amended to read as follows:

483.180 1. A ~~[person who is authorized to certify the driving ability of an employee]~~ *third party certifier who is registered pursuant to NAC 483.140* may not ~~[teach an employee to drive]~~ *instruct another person in the driving or operation of* a vehicle for which a class A, class B or class C driver's license is required by ~~[permitting]~~ *allowing* the vehicle to be driven on a public highway, unless ~~[the employee]~~ *that other person* 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]~~ *third party certifier* shall ensure that his pupil adheres to the requirements pertaining to the instruction permit.

2. Before certifying the ability of ~~{an-employee}~~ *another person* to drive a vehicle for which a class A, class B or class C driver's license is required, the ~~{person-certifying-the-driving-ability-of-the-employee}~~ *third party certifier* must determine that the ~~{employee}~~ *person* is able to operate safely and control fully the vehicle for which a class A, class B or class C driver's license is required.

3. The ~~{person-who-is-certifying-the-driving-ability-of-an-employee}~~ *third party certifier* shall state on a form approved by the department the means by which he determined the qualifications of the ~~{employee}~~ *person* to operate the vehicles for which a class A, class B or class C driver's license is required.

4. A ~~{person-certifying-the-driving-ability-of-an-employee}~~ *third party certifier* shall maintain a record for each ~~{employee}~~ *person* 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.}~~ *person*. The record must be available for inspection by a representative of the department during normal business hours.

**Sec. 12.** NAC 483.183 is hereby amended to read as follows:

483.183 1. The department ~~{will-revoke-a-person's-authority-to-certify-the-driving-ability-of-an-employee-or-will-deny-a-person's-application-for-such-authority-if-the-person}~~ *may revoke the registration of a third party certifier who is registered pursuant to NAC 483.140 if:*

*(a) The third party certifier* has been convicted of:

~~{(a)}~~ *(1)* Driving under the influence of an intoxicating liquor or a controlled substance within the past 7 years;

~~{(b)}~~ *(2)* A gross misdemeanor or felony relating to the management of money or a business;

~~{(e)}~~ *(3)* Fraud;

~~[(d)]~~ (4) Embezzlement; or

~~[(e)]~~ (5) Possessing more than one valid driver's license issued to him under a name other than his own, or issued to him by more than one state, or both ~~[-]~~; *or*

*(b) The department determines that the third party certifier falsified an application or any other information to obtain or maintain his registration as a third party certifier.*

2. Any ~~[person who is denied authorization to certify the driving ability of an employee, or whose authorization]~~ *third party certifier whose registration* is revoked pursuant to this section:

(a) May not reapply for ~~[authorization]~~ *registration* until 2 years after the date of ~~[denial or]~~ revocation; and

(b) Must attend a training program approved by the department for the certification of a driver at the time he reapplies for ~~[authorization to certify the driving ability of an employee.]~~ *registration as a third party certifier.*

3. *Within 30 days after revocation of his registration pursuant to this section, a third party certifier may request a hearing on the question of whether he committed one or more acts constituting grounds for such revocation. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS and judicial review must be available as provided therein.*

**Sec. 13.** NAC 483.186 is hereby amended to read as follows:

483.186 The provisions of NAC ~~[483.188]~~ *483.186* to 483.196, inclusive, *and sections 2 and 3 of this regulation* apply only with respect to noncommercial drivers' licenses.

**Sec. 14.** NAC 483.190 is hereby amended to read as follows:

483.190 1. Any person in this state who owns or leases two or more vehicles for which a class A or class B driver's license is required, *or the authorized representative of such a person*, may apply to the department for ~~[authorization to]~~ *registration as a third party certifier.*

*Except as otherwise provided in subsection 2, a third party certifier may* certify the driving ability of a person desiring to obtain a class A or class B driver's license and ~~to~~ *may* sign an affidavit to that effect.

~~2. A person who is authorized to certify the driving ability of another person, and who owns or leases a vehicle for which a class A driver's license is required, may certify the driving ability of the other person and sign an affidavit using Form DLD 33, 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 another person, and who owns or leases only vehicles for which a class B driver's license is required, may certify the driving ability of another person and sign an affidavit for the operation of only vehicles for which a class B driver's license is required.~~

~~—3.— A person who is authorized to certify the driving ability of another person must hold a license of the class for which he is certifying and signing an affidavit, but may not sign for himself. The department will assign a number to each person the department authorizes to sign affidavits for the operation of vehicles for which a class A or class B driver's license is required.~~

~~This number must be used when completing Form DLD 33.]~~ *registered as a third party certifier shall not:*

*(a) Certify the driving ability of another person unless the third party certifier has at his disposal at least one vehicle requiring the same class of driver's license as the class of driver's license for which the other person's driving ability is being certified; or*

*(b) Sign an affidavit of certification for the operation of a vehicle for which a particular class of driver's license is required unless the third party certifier has at his disposal at least one vehicle requiring the same class of driver's license as that required for the vehicle the operation of which is to be certified by affidavit.*

3. *A third party certifier must:*

(a) *Hold a valid license of the class and type for which he is certifying the driving ability of another person and signing an affidavit of certification, but may not sign for himself; and*

(b) *Administer the driving skills test in a class of vehicle requiring the same class and type of license as the class and type of license for which the other person's driving ability is being certified.*

4. *The department may assign a number to each person the department registers as a third party certifier. This number must be used when completing an affidavit of certification.*

**Sec. 15.** NAC 483.192 is hereby amended to read as follows:

483.192 1. If at any time the number of vehicles owned or leased by a ~~[person who is authorized to certify the driving ability of another person]~~ *third party certifier, or by the person, if any, for whom the third party certifier serves as an authorized representative*, falls below the minimum requirement of two vehicles, the ~~[person]~~ *third party certifier* shall immediately notify the department . ~~[, which will delete his name from the list of eligible persons authorized to certify the driving ability of another person.]~~

2. If a ~~[person authorized to certify the driving ability of another person]~~ *third party certifier* 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 another person.]~~

3. A ~~[person authorized to certify the driving ability of another person]~~ *third party certifier* must notify the department within 10 days after a change in address.

4. Any ~~[person assigned a number by the department must,]~~ *third party certifier registered pursuant to NAC 483.190 may*, every fourth year, upon notification from the department, renew

~~[the authorization]~~ *his registration* on a form furnished by the department. If the ~~[person]~~ *third party certifier* fails to renew the ~~[number]~~ *registration* within 30 days after notification, ~~[the authority to certify the class A or class B driving test of another person expires.]~~ *his registration as a third party certifier expires and he must reapply for registration as a third party certifier in the manner set forth in section 2 of this regulation.*

**Sec. 16.** NAC 483.194 is hereby amended to read as follows:

483.194 1. The department may ~~[monitor any person authorized to certify the driving ability of another person annually],~~ *on an annual basis* 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.]~~, *monitor a third party certifier who is registered pursuant to NAC 483.190.*

2. If the department determines after an inspection that a ~~[person]~~ *third party certifier* no longer meets the requirements for ~~[certifying drivers.]~~ *registration pursuant to NAC 483.190*, it will notify the ~~[person]~~ *third party certifier* of the deficiencies. If the deficiencies are minor, the ~~[person]~~ *third party certifier* may be allowed 60 days to correct them. If the deficiencies are not corrected within that time, the ~~[authority to certify drivers will be revoked.]~~

~~—3.—The department will notify the person by certified mail if the authority to certify a driving test for a class A or class B driver's license is revoked and will state in the notice the reason for the revocation. The person authorized to certify the driving ability of another person may appeal the revocation to the departmental hearing officer within 20 days after receipt of the notice.]~~

*department will revoke the registration of the third party certifier.*

**Sec. 17.** NAC 483.196 is hereby amended to read as follows:

483.196 1. A ~~[person who is authorized to certify the driving ability of another person]~~ *third party certifier registered pursuant to NAC 483.190* may not ~~[teach]~~ *instruct* another person ~~[to drive]~~ *in the driving or operation of* a class A or class B motor vehicle by ~~[permitting]~~ *allowing* the vehicle to be driven on a public highway unless the other person 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 another person]~~ *third party certifier* must ensure that his student adheres to the requirements pertaining to the instruction permit.

2. Before certifying the ability of a person to drive a vehicle for which a class A or class B driver's license is required, the ~~[person certifying the driving ability of the other person]~~ *third party certifier* must determine that the other person is able to operate safely and control fully the vehicle for which a class A or class B 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 another person]~~ *third party certifier* shall state on ~~[Form DLD 33]~~ *a form approved by the department* the means by which he determined the applicant's qualifications to operate the vehicles for which a class A or class B driver's license is required.

4. A ~~[person certifying the driving ability of another person]~~ *third party certifier* shall maintain records of all persons applying for certification and subsequently certified by him. The record must include a description of the training and tests given to each person. These records must be available for inspection by a representative of the department during normal business hours.