

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

Proposed Effective Date: Upon Adoption

EXPLANATION - Matter *italicized* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: NRS 483.220

NAC 483.840 is hereby repealed.

NAC 483.845 is hereby repealed.

NAC 483 is hereby amended to read as follows:

Section 1. NAC 483.420 ~~["Certificate of renewal" defined. (NRS 483.383)]~~ *Definitions.* As used in NAC 483.420 to 483.455, inclusive: ~~["certificate of renewal" means a certificate issued by the Department pursuant to NAC 483.445 to a person who renews his driver's license by mail.]~~

- (a) "Renewal sticker" means a certificate in the form of a sticker issued by the Department pursuant to NAC 483.445 to a person who renews his driver's license by mail.*
- (b) "International instructor" has the meaning ascribed to it in NRS 483.081.*
- (c) "International student" has the meaning ascribed to it in NRS 483.082.*
- (d) "Traffic violation" has the meaning ascribed to it in NRS 483.473.*

Sec. 2. NAC 483.430 Ineligibility. (NRS 483.383)

1. The holder of a driver's license is not eligible to apply for the renewal of the license by mail if:

- (a) The license expires 4 years after the date of expiration stated thereon because a certificate of renewal has been issued for the license;
- (b) The license is a commercial driver's license;
- (c) At the time the Department mails to the applicant the expiration notice required pursuant to NRS 483.382, an examination of the applicant's driving record in this state, any other state, the District of Columbia, any territory or possession of the United States or any country indicates that his driver's license or privilege to drive in that jurisdiction is suspended, revoked or cancelled or that his application for a driver's license in that jurisdiction has been denied;
- (d) The license is subject to Restriction M, N, O or S, or any combination thereof, as those restrictions are described in NAC 483.350, 483.360 and 483.365;
- (e) He is less than 25 years of age;
- (f) He is 71 years of age or older, unless he submits:
 - (1) A statement from a licensed physician providing that it is the opinion of the physician that the person is physically able to operate a motor vehicle safely; and

(2) A report from a licensed ophthalmologist, optometrist or physician regarding the vision of the person, including, without limitation, the visual acuity of the person in each eye, with corrective lenses, if applicable;

(g) He has been convicted of three or more traffic violations within the 4 years immediately preceding the date of expiration of the license;

(h) The license is a restricted driver's license issued pursuant to NRS 483.490;

(i) His name is listed in the records of the Department as a person who must renew his driver's license in person because the Department believes that the information contained on his driver's license may be incorrect or that his license may have been issued as a result of fraud or mistake; or

(j) He is an international instructor or an international student.

(k) His license was issued with an expiration date that specifies a date by which he must depart from the United States.

2. A statement or report submitted pursuant to paragraph (f) of subsection 1 must be:

(a) Completed on a form acceptable to the Department; and

(b) Dated not more than 90 days before the date of its submission to the Department.

~~[3. As used in this section:~~

~~—(a) "International instructor" has the meaning ascribed to it in NRS 483.081.~~

~~—(b) "International student" has the meaning ascribed to it in NRS 483.082.~~

~~—(c) "Traffic violation" has the meaning ascribed to it in NRS 483.473.]~~

Sec. 3. NAC 483.435 Requirements for submission of application; contents of application. (NRS 483.383)

1. Each application for the renewal of a driver's license by mail must:

(a) Be made upon a form furnished by the Department;

(b) Be mailed or otherwise delivered to the Department of Motor Vehicles, *Renewal of Driver's License By Mail*, 555 Wright Way, Carson City, Nevada 89711-0450. ~~[Attention: Supervisor of the Program for the Renewal of Drivers' Licenses By Mail;]~~

(c) Be accompanied by the fees required pursuant to NRS 483.383 *and NRS 483.910*;

(d) Include the full name, date of birth, driver's license number, mailing address and residential address of the applicant; and

(e) Include such other information as the Department may require.

2. At the time he applies for the renewal of his driver's license by mail, an applicant may change his mailing or residential address as it appears on his driver's license.

3. The Department will include on the application for the renewal of a driver's license by mail the opportunity for the applicant to indicate on his certificate of renewal that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or that he refuses to make an anatomical gift of his body or part of his body.

Sec. 4. NAC 483.445 Issuance of certificate of renewal; certificate and license to be carried; expiration of license renewed by mail. (NRS 483.383)

1. The Department will issue to each qualified applicant for the renewal of his driver's license by mail a ~~[certificate of]~~ renewal *sticker*.

2. A person to whom a ~~[certificate of]~~ renewal *sticker* is issued shall ~~[have the certificate]~~ *affix the sticker to the back of his driver's license* and *have* his driver's license in his possession when he operates a motor vehicle.

3. A driver's license for which a ~~certificate of~~ renewal *sticker* has been issued expires 4 years after the date of expiration stated on the driver's license for which the certificate is issued.

Sec. 5. NAC 483.4575 Determination of eligibility. (NRS 483.383)

1. Any person who is a resident of this state, holds a driver's license from this state and is temporarily residing outside this state is eligible to obtain his license by mail unless:

- (a) His license or driving privilege is suspended, revoked, cancelled or denied;
- (b) He holds a commercial driver's license;
- (c) Except as otherwise provided in subsection 3, his license has been expired for over 1 year;
- (d) Except as otherwise provided in subsection 3, he is applying for a second consecutive renewal by mail; or

(e) Except as otherwise provided in subsection 2 or 3, he is required to take a driving test.

2. The Department may accept proof of the successful completion of a driving test administered by an agency which issues driver's licenses in another state.

3. The Department may renew the driver's license of any applicant who is employed by the Federal Government, on active military duty or the dependent of such a person:

- (a) Regardless of whether his driver's license was previously renewed by mail; and
- (b) If his driver's license has been expired for more than 1 year but less than 2 years, if the Department receives proof that the applicant has successfully completed a driving test administered by an agency which issues driver's licenses in another state.

4. A person whose driving privilege has been suspended, cancelled, revoked or denied may obtain his driver's license by mail after his driving privilege has been reinstated.

Sec. 6. NAC 483.800 Federal regulations: Adoption by reference of certain provisions; exceptions; compliance required. (NRS 483.908)

1. Except as otherwise provided in NAC 483.802, the Department hereby adopts by reference the provisions of 49 C.F.R. Part 383 as they existed on October 1, 2001, and any subsequent amendments. Each amendment shall be deemed approved by the Department unless it disapproves the amendment within 60 days after the United States Department of Transportation has adopted such an amendment, with the following exceptions:

- (a) ~~Paragraphs 1, 2 and 3 of subsection (a) of 49 C.F.R. § 383.91 are deleted; and~~
~~(b)~~ The vehicle classification groups found in figure 1 of 49 C.F.R. § 383.91 are ~~deleted~~ *disapproved* and replaced with the vehicle classifications listed in NAC 483.110.

2. A copy of the volume containing the provisions described in this section and NAC 483.802 is available ~~at a cost of \$60~~ from the Superintendent of Documents, United States Government Printing Office, ~~Washington, D.C. 20402.~~ *P.O. Box 371954, Pittsburgh, PA 15250-7954.*

3. A licensee shall comply with the requirements of the provisions adopted by reference in subsection 1.

Sec. 7. NAC 483.802 Federal regulations: Adoption by reference of provision regarding disqualification of drivers; modifications. (NRS 483.908)

1. The Department hereby adopts by reference the regulations contained in 49 C.F.R. § 383.51, as provided in NAC 483.800 with the following modifications:

- (a) As used in 49 C.F.R. § 383.51:

(1) “Disqualification” means the suspension, revocation or cancellation of a person’s privileges to drive a commercial motor vehicle and applies only to the administration of NRS 483.900 to 483.940, inclusive, as those sections relate to commercial drivers’ licenses or permits.

(2) “Serious traffic violation” means a conviction, when operating a commercial motor vehicle, of:

(I) Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;

(II) Reckless driving, as defined by state or local law or regulation, including offenses of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property;

(III) Improper or erratic lane changes;

(IV) Following the vehicle ahead too closely; or

(V) A violation of a state or local law relating to the control of motor vehicle traffic that arises in connection with a fatal accident.

The term does not include a violation regarding the weight of a commercial motor vehicle, the manner in which it is parked or a mechanical defect in the vehicle.

(b) A person who operates a commercial motor vehicle while his driver’s license or permit is suspended, revoked or cancelled, or while he is otherwise disqualified from operating a commercial motor vehicle, is subject to the provisions and penalties specified in NRS 483.560.

(c) A person who knowingly falsifies any information or certification on an application filed with the Department for a commercial driver’s license or permit is subject *to a cancellation period of not less than 60 days in accordance with* ~~to~~ the provisions specified in NRS 483.420.

(d) A person who is disqualified from driving a commercial motor vehicle under this section shall surrender his commercial driver’s license or permit to the Department.

(e) To reinstate a commercial driver’s license or permit after disqualification, a person must, in addition to any other conditions required by law:

(1) Complete an application;

(2) Pass a vision test, knowledge tests and, if applicable, driving skills tests;

(3) Provide any additional information requested by the Department to determine his fitness to operate a commercial motor vehicle safely; and

(4) Pay the reinstatement fees established in NRS 483.910.

2. The volume containing 49 C.F.R. Parts 200 to 399 is available from the Superintendent of Documents, U.S. Government Printing Office, ~~Washington, D.C. 20402~~ *P.O. Box 371954, Pittsburgh, PA 15250-7954. [at the price of \$60.]*

3. As used in this section, “commercial motor vehicle” means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(b) Has a gross vehicle weight rating of 26,001 or more pounds;

(c) Is designed to transport 16 or more passengers, including the driver; or

(d) Regardless of size, is used in the transportation of materials which are considered to be “hazardous” for the purposes of the federal Hazardous Materials Transportation Act and for which the display of identifying placards is required pursuant to the Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F).

Sec. 8. 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 paragraph (b)(1), (b)(2), (b)(3) or (b)(8) of 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 he 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 name, date of birth, address, telephone number and social security number or 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 he has been licensed to drive a motor vehicle and the number of years he has operated the type of vehicle for the operation of which he 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;

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

(i) Any additional information which the Department deems necessary to determine the applicant's ability to operate a commercial motor vehicle safely.

3. The application must be submitted to the Department of Motor Vehicles, ~~[1450 Hulda Way]~~ **810 East Greg Street**, Sparks, Nevada 89431.

Sec. 9. NAC 483.810 Requirements for application for instruction permit or license. (NRS 483.908) In addition to complying with the requirements of NRS 483.290, an application for a commercial driver's instruction permit or a commercial driver's license must comply with the requirements of 49 C.F.R. § 383.~~[71]~~**23**.

Sec. 10. NAC 483.847 Cancellation, suspension and revocation of license. (NRS 483.908) In accordance with the regulatory authority vested with the Department in NRS 483.908, the provisions of NRS 483.420 to 483.670, inclusive, apply in an analogous manner to commercial drivers' licenses and commercial vehicles with these modifications:

1. If, pursuant to NRS 483.420, the Department cancels a commercial driver's license held by a nonresident, the Department will forward a copy of the record of that action to the motor vehicle administrator in the state where the driver resides.

2. The provisions of NRS 483.445 and 483.490 do not apply to the cancellation, suspension or revocation of a commercial driver's license ~~[.]~~ ***except that a restricted license may be issued if the license was suspended pursuant to NRS 483.443, permitting the applicant to operate a commercial motor vehicle, if applicable, to and from work or in the course of his work, or both.***

3. The Department will apply the uniform system of demerit points, established pursuant to NRS 483.473 ~~[and codified as NAC 483.500, 483.510 and 483.530]~~, to traffic violations occurring within this state affecting the holder of a commercial driver's license issued by the Department.

4. ~~[A driver holding a commercial driver's license is eligible, pursuant to NRS 483.475, for a restricted license during the suspension if less than 12 of the demerit points earned by the driver resulted from convictions for traffic violations which he committed while operating a commercial motor vehicle.]~~

5. Except as otherwise provided in subsections 2 of NAC 483.825, the Department will not issue a restricted commercial driver's license.

6. The provisions of NRS 483.500 which require the Department to return a license which has been suspended if the driver completes the examination required by NRS 483.480 do not apply to the suspension of a commercial driver's license.