

LCB File No. R124-07

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

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Public Hearing for the
Adoption of Proposed New and Amended Regulations of the
Department of Motor Vehicles**

The Department of Motor Vehicles will hold a public hearing at the following location on the date and time specified:

**PUBLIC HEARING
CARSON CITY**

**Wednesday, December 19, 2007, 9 a.m.
Nevada Department of Education, Board Room
700 East 5th Street
Carson City, Nevada 89701**

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of proposed new and amended regulations (LCB File No. R124-07) that pertain to chapter 483 of the Nevada Administrative Code.

Proposed Regulation of the Department of Motor Vehicles, LCB File No. R124-07

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

This is a regulation relating to the Department of Motor Vehicles to amend Chapter 483 of NAC to comply with legislation (Assembly Bills 497 and 584) passed during the 2007 Legislative Session.

2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

It establishes provisions relating to certain records of conviction; requires the Department of Pardons and Parole along with the Department of Corrections to submit notices (concerning a driver's imprisonment, parole, or residential confinement) to the Department of Motor Vehicles; revises provisions relating to demerit points; revises provisions relating to a commercial driver's license; and repeals the provisions (NAC 483.198, 483.1982, 483.1984, and 483.1986) governing licenses for international students and instructors.

- 3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include: (a) Both adverse and beneficial effects (None); and (b) Both immediate and long-term effects (None). There is no estimated economic effect.**
- 4. The estimated cost to the agency for enforcement of the proposed regulation.**
None.
- 5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**
N/A.
- 6. If the regulation is required pursuant to federal law, a citation and description of the federal law.**
N/A.
- 7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**
N/A.
- 8. Whether the proposed regulation establishes a new fee or increases an existing fee.**
N/A.

Persons wishing to comment upon the proposed action of the Department of Motor Vehicles may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form to:

Debbie Wilson, Management Analyst
Department of Motor Vehicles
Research and Development Division
555 Wright Way, Carson City, NV 89711

Written submission must be received by Department of Motor Vehicles on or before **Friday, December 21, 2007**. 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 may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted will be available at each of the Department of Motor Vehicles listed, and at the main public libraries listed, for inspection

and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.NVus/Register/>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

THIS NOTICE HAS BEEN POSTED AT THE FOLLOWING LOCATIONS:

DEPARTMENT OF MOTOR VEHICLE BRANCH OFFICES

Office of the Director
555 Wright Way
Carson City, NV 89711

1085 Highway 95
Hawthorne, NV 89415

8250 West Flamingo Rd.
Las Vegas, NV 89147

3030 S. Needles Highway, Ste. 900
Laughlin, NV 89028

3920 E. Idaho St.
Elko, NV 89801

1780 E. Basin Ave.
Pahrump, NV 89060

178 No. Avenue F
Ely, NV 89301

330 N. Sandhill Rd. Ste. H
Mesquite, NV 89027

973 W. Williams Ave.
Fallon, NV 89406

7170 N. Decatur Blvd.
Las Vegas, NV 89131

4110 Donovan Way
N. Las Vegas, NV 89030

1137 S. Main St. #C-8
Tonopah, NV 89049

3505 Construction Way
Winnemucca, NV 89445

215 West Bridge St. No. 9
Yerington, NV 89447

1694 County Rd.
Minden, NV 89423

305 Galletti Way
Reno, NV 89512

1399 American Pacific Dr.
Henderson, NV 89014

2701 E. Sahara Ave.
Las Vegas, NV 89104

LIBRARIES

Goldfield Public Library
Fourth & Crook St.
Goldfield, NV 89013

Lincoln County Library
93 Main St.
Pioche, NV 89043

Eureka Branch Library
10190 Monroe St.
Eureka, NV 89316

Battle Mountain Branch
625 Broad St.
Battle Mountain, NV 89820

Pershing County Library
1125 Central Ave.
Lovelock, NV 89419

Storey County Library
95 South R St.
Virginia City, NV 89440

Mineral County Library
1125 Central Ave.
Hawthorne, NV 89419

Nevada State Library
100 North Stewart St.
Carson City, NV 89701

LCB File No. R124-07

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

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

AUTHORITY: NRS 483.450 483.460, 484.379, 483.3795 483.37955 and Section 22 of
Assembly Bill 584

Regulations relating to the information that must be provided by a court when forwarding a report of conviction and the information that must be provided by the Division of Parole and Probation and the Department of Correction for reporting when a driver is imprisoned or under residential confinement. Repeal of text relating to the issuance of a driver's license or identification card to international instructors and international students.

Chapter 483 of NAC is hereby amended by adding the following:

Section 1 *Duty of court to forward report of conviction.*

1. A record of conviction must be made in a manner approved by the Department. The court shall provide sufficient information to allow the Department to include accurately the information regarding the conviction in a driver's record. The record of conviction from the court must include at least:

- (a) The court identification number, court name, and court address.*
 - (b) The court case number.*
 - (c) The name and address of the person convicted.*
 - (d) The citation number.*
 - (e) The conviction date.*
 - (f) The violation date and time.*
 - (g) The violation description, Department of Motor Vehicles Violation Code, the AAMVA Net Code Dictionary (ACD) code, and the statute of the violation.*
 - (h) Whether or not the driver was a commercial driver's license holder at the time of the citation.*
 - (i) Whether or not the driver was operating a commercial motor vehicle or hauling hazardous materials at the time of the citation.*
 - (j) If the conviction relates to a violation of registration requirements, the license plate number of the vehicle being driven by the person convicted.*
- 2. Reports of conviction may be made to the Department in written or electronic form.*
- 3. When a report contains multiple convictions, driver records will be updated accordingly:*
- (a) For non-commercial driver's license holders, convictions of traffic violations shall be recorded on the driver's record and points assessed in accordance with NRS 483.473.*
 - (b) For commercial driver's license holders, all convictions shall be recorded to the driver's record, regardless of the points assessed. Multiple instances of the same violation will be added as a single conviction entry.*

Sec. 2 *Duty of the Director of the Department of Pardons and Paroles and the Director of the Department of Corrections to forward notice of release to the Department of Motor Vehicles when a driver who has had his license, permit, or privilege to drive, revoked pursuant to NRS 483.460, has completed a period of imprisonment, or is placed on residential confinement and/or parole. Notice of revoked to prison.*

1. The notice must be forwarded to the Department of Motor Vehicles within 10 days of release, or revoke to prison date, and in a manner approved by the Department of Motor Vehicles.

2. The notice shall include sufficient information to allow the Department of Motor Vehicles to accurately record the period during which the driver is not eligible for a license, permit, or privilege to drive. The notice must include at least:

- (a) The name and address of the person convicted*
- (b) The driver's license number of the person convicted*
- (c) The date of birth of the person convicted*
- (d) The name of the agency submitting the notice of release or notice of revoke to prison*
- (e) The release date from imprisonment*
- (f) The court case number*
- (g) The citation number*
- (h) The citation date*
- (i) The conviction date*
- (j) The name of the convicting court*
- (k) A copy of the conviction*
- (l) Contact information for the agency submitting the notice of release or notice of revoke to prison.*

3. The revocation period will begin upon receipt of notification by the Department of Motor Vehicles.

4. The notice may be made to the Department in written or electronic form.

5. If the driver is revoked to prison, a notice on a form approved by the Department of Motor Vehicles must be forwarded to the Department of Motor Vehicles to include the date revoked to prison and all information in subsection 2.

Sec. 3 **NAC 483.198, 483.1982, 483.1984 and 483.1986 are hereby repealed.**