

LCB File No. R009-09

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

(This regulation was previously adopted as T016-08)

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

AUTHORITY: § 1, NRS 481.051, NRS 483.220, NRS 483.420 and NRS 483.908.

A REGULATION relating to motor vehicles; providing certain requirements for determining a person's continued suitability to maintain a Nevada Driver's License or identification card previously issued under less stringent criteria and requirements than currently required for establishing proof satisfactory to the Department of a person's true identity.

Section 1. Chapter 483 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Upon discovery or receipt of information that causes a question as to the validity of a person's true identity, the Department may at its discretion, require a person attempting to obtain a new or previously issued driver's license or identification card pursuant to the provisions of chapter 483 of NRS, or an individual who has previously been issued a drivers license or identification card by the Department, to provide additional documentation or information based on current requirements or document criteria to establish proof satisfactory to the Department of that person's true identity.

2. Documents acceptable to the Department to establish a person's true identity shall be those acceptable per the applicable provisions of current Nevada Revised Statutes and Administrative Codes in conjunction with current Department policies developed as guidelines

for determining documents acceptable to the Department for verification of a person's identity.

Section 2. *Grounds for discretionary refusal to renew, suspension or revocation of license or identification card; notice; hearing.*

1. The Department may refuse to issue, renew, suspend or cancel a driver's license or identification card issued by the Department pursuant to chapter 483 of NRS for any person who fails or refuses to provide the Department with additional information or documentation to aid in determining that person's true identity, or for any person who is unable to provide proof satisfactory to the Department that they are entitled to the document issued by the Department..

2. Should the Department refuse to issue, renew, suspend or cancel a driver's license or identification card pursuant to this section, the Department shall with 5 ~~[Department business]~~ working days;

a. Provide written notice to the person subject to the action that he may, within 30 days after his receipt of the notice, petition the Director in writing for a hearing.

b. The Department notice shall be sent to the person subject to the action via certified mail to the address of record on file with the Department for that person.

c. Upon receipt a written request for hearing, the Department shall afford the person subject to the action an opportunity for a hearing as early as practical within 60 days after the Department's receipt of the request.

d. Upon receipt of a written request for hearing, the Department will stay the action pending the decision of an Administrative Law Judge.

3. The hearing shall be held in the county wherein the person subject to the action resides unless that person and the Department agree that the hearing may be held in some other county.

4. The Director, or his authorized agent, may issue subpoenas for the attendance of witnesses and the production of relevant books, records or other papers of the person subject to the action, or of the Department in support of its action in connection with the hearing.

5. The Director shall make written findings of fact and conclusions and grant or refuse to issue, renew, suspend or cancel a driver's license or identification card within 30 days after the hearing.

6. A person subject to an adverse decision by the Director to refuse to issue, renew, suspend or cancel a driver's license or identification card is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.

7. The Department may at its discretion without a hearing, issue, renew or reinstate a driver's license or identification card that the Department has previously denied, refused to issue, suspended or canceled pursuant to this section should the person requesting such action provide proof satisfactory to the Department of his true identity.