

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

LCB File No. R034-10

NOTICE OF INTENT TO ACT UPON A REGULATION

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

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

<p>Public Hearing Carson City & Las Vegas Video Conference</p> <p>Date: Friday, July 23, 2010 Time: 10:00am</p> <p><u>Carson City Location:</u> Legislative Counsel Bureau, Room 2134 401 South Carson St. Carson City, NV. 89701</p> <p><u>Las Vegas Location:</u> Grant Sawyer State Office Building 555 East Washington Avenue, Room 4406</p>
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The purpose of the hearing is to receive comments from all interested persons regarding the adoption of proposed amendments to regulations (LCB File No. R034-10) that pertain to Chapter 483 of the Nevada Administrative Code.

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.

The Department is requesting changes to 483.800 in order to properly adopt by reference 49 C.F.R. Parts 483 and 384, and any subsequent amendments. We removed section 1(a) from 483.802 since we're adopting this by reference with the changes in 483.800.

Additionally, we've added 3 new sections to 483.802 to address changes to our tracking of hazardous material endorsements. The proposed change will allow the Department to notify by mail the commercial driver 90-days from his/her hazardous endorsement expiring, and give the DMV the authority to take action if

he/she does not comply. Within the 90-day period, the driver will have the ability to remove his/her hazardous material endorsement, downgrade to a non-commercial license, or renew his/her endorsement. If the driver does not comply with the options given, the Department will have the authority to suspend his/her commercial license.

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 Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

The changes described in question #1 contain the specific action this proposal would take if adopted. This change only affects licensed commercial drivers who have a hazardous material endorsement with the Department. Back ground checks through the Federal Government are required every 5 years (the length of the endorsement), but since Nevada's licenses are renewed every 4 years it calls upon the Department to take the unique action described in question #1.

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;

Adverse: There is no economic effect of the regulation on the businesses regulated or the public.

Benefits: There is no economic effect of the regulation on the businesses regulated or the public.

And

(b) Both immediate and long-term effects.

Immediate Effects: There is no economic effect of the regulation on the businesses regulated or the public.

Long-term Effects: There is no economic effect of the regulation on the businesses regulated or the public.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There is no additional cost to the agency for enforcement of this regulation.

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.

The amendments to the regulation do not overlap that of any other state, local, or federal governmental agency.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

49 C.F.R. 383.141 requires the commercial driver to apply for a renewal at least 60-days before his or her hazardous endorsement expires. The Department was audited by the Federal Motor Carrier Safety Administration in June 2009. One of

the findings required the DMV to create a mechanism to deal with the notification process for hazardous endorsements expiring in our system. The adoption of this amended regulation along with internal programming changes will satisfy this particular audit finding.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The amendments do not include provisions which are more stringent than a federal regulation.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide or involve a new fee, and hence since no fee is involved, there is not a total amount expected to be collected or used.

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

Jude Hurin, DMV Services Manager III

Department of Motor Vehicles

Management Services and Programs Division

555 Wright Way, Carson City, NV 89711

Written submission must be received by Department of Motor Vehicles on or before the **26th of July at 2:00pm**. 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 amended 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 amended 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 regulation 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.nv.us/Register/>. Copies of this notice and the proposed regulation 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 of hearing has been posted at the locations listed on the attached page.

Dated: June 23, 2010

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

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
110 1st Street
Hawthorne, NV. 89415

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