

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

LCB File No. R034-10

June 9, 2010

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

AUTHORITY: §§1 and 2, NRS 483.908 and 483.924.

A REGULATION relating to commercial drivers' licenses; revising provisions governing the Department of Motor Vehicles' adoption by reference of certain federal regulations; providing for the suspension of a person's commercial driver's license under certain circumstances; providing for the notice the Department will give to a person before the person's hazardous materials endorsement expires; and providing other matters properly relating thereto.

Section 1. NAC 483.800 is hereby amended to read as follows:

483.800 1. ~~[Except as otherwise provided in NAC 483.802, the]~~ *The* Department hereby adopts by reference the provisions of 49 C.F.R. Parts 383 and 384 as they existed on October 1, 2004, 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.

2. A copy of the volume containing the provisions described in this section ~~[and NAC 483.802]~~ is available at a cost of ~~[\$64]~~ \$37 from the Superintendent of Documents, United States Government Printing Office, P.O. Box ~~[371954, Pittsburgh, Pennsylvania 15250-7954.]~~ 979050, *St. Louis, Missouri 63197-9000. These provisions are also available, free of charge, at the Internet address <http://www.gpoaccess.gov/cfr/>.*

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

Sec. 2. NAC 483.802 is hereby amended to read as follows:

483.802 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, “serious traffic violation” means a conviction, when operating a commercial motor vehicle, of:~~

~~——(1) Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;~~

~~——(2) 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;~~

~~——(3) Improper or erratic lane changes;~~

~~——(4) Following the vehicle ahead too closely; or~~

~~——(5) 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] *In addition to the penalties provided in those provisions adopted by reference in*~~

NAC 483.800, a person who operates a commercial motor vehicle while his *commercial* 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.

~~[(e)]~~ 2. 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 the provisions specified in NRS 483.420.

~~[(d)]~~ 3. *A person who holds a commercial driver's license with an expired hazardous materials endorsement is subject to a suspension of his or her commercial driver's license for not less than 30 days.*

4. *At least 90 days before the expiration of a person's hazardous materials endorsement, the Department will provide the person a notice which informs the person that he or she:*

(a) Must apply for a security threat assessment required pursuant to 49 C.F.R. § 383.141 at least 60 days before his or her hazardous materials endorsement expires and must pass the security threat assessment before his or her hazardous materials endorsement may be renewed;

(b) May be subject to suspension of his or her commercial driver's license as described in subsection 3; and

(c) May avoid such suspension of his or her commercial driver's license by:

(1) Complying with the requirements for renewing a hazardous materials endorsement, including, without limitation, passing the security threat assessment required pursuant to 49 C.F.R. § 383.141;

(2) Requesting that the Department remove the hazardous materials endorsement from his or her commercial driver's license; or

(3) Requesting that the Department issue a non-commercial driver's license in place of the commercial driver's license.

5. The Department will require a person to obtain a new driver's license that reflects the renewal of a hazardous materials endorsement, the removal of such an endorsement, or the change to a non-commercial license described in paragraph (c) of subsection 4 in person at an office of the Department.

6. 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)]~~ 7. To reinstate a commercial driver's license or permit after disqualification, a person must, in addition to any other conditions required by law:

~~[(1)]~~ (a) Complete an application;

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

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

~~[(4)]~~ (d) 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, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at the price of \$64.]~~

~~3.]~~ 8. 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.