

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

LCB File No. R108-05

August 31, 2005

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

AUTHORITY: § 1, NRS 481.051, 483.220, 483.290, 486.081; § 2, NRS 481.051, 483.220, 483.235, 483.908; § 3, NRS 483.908; § 4, NRS 483.908.

A REGULATION relating to driver's licenses; revising the requirements for driver's licenses and identification cards; revising the classifications for driver's licenses; adopting certain federal regulations; revising various definitions; and providing other matters properly relating thereto.

Section 1. NAC 483.050 is hereby amended to read as follows:

483.050 1. In addition to the documents listed in subsection 2 of NRS 483.290, the documentation that the Department must accept as proof of the name and age of an applicant for a driver's license, identification card or motorcycle driver's license as required pursuant to NRS 483.290, 483.860 and 486.081, respectively, includes, without limitation:

(a) An original or a certified copy of one of the following documents issued by the ~~[Bureau of]~~ *United States* Citizenship and Immigration Services in the Department of Homeland Security:

- (1) An Alien Registration Receipt Card that is issued using Form I-551;
- (2) A Permit to Reenter the United States;
- (3) A Refugee Travel Document;
- (4) If it is accompanied by the passport of the bearer of that document, an Arrival-Departure Record that is issued using Form I-94; or

(5) A Resident Alien Card; and

(b) An identification card issued by another state, the District of Columbia or any territory of the United States if an applicant for such an identification card is required to furnish proof of his date of birth to obtain the identification card and the Department determines that the documentation required by the other state, the District of Columbia or territory of the United States is substantially similar to the documentation that an applicant is required to furnish to prove his date of birth pursuant to this section and NRS 483.860.

2. ~~[The headquarters office of the Department which is located in Carson City shall maintain a list of the identification cards of other states, the District of Columbia or any territory of the United States that the Department has determined are unacceptable as proof of the name and age of an applicant for a driver's license, motorcycle driver's license or identification card in this State. The headquarters office of the Department shall provide a copy of the list to:~~

- ~~—(a) Each branch office of the Department that provides a full range of services; and~~
- ~~—(b) A member of the general public upon request.~~

~~—3.]~~ The forms of identification that are unacceptable to the Department as proof of the name and age of an applicant for a driver's license, motorcycle driver's license or identification card in this State include, without limitation:

- (a) An identification card issued by a consulate of a foreign government;
- (b) A birth certificate issued by a foreign government; and
- (c) A Border Crossing Card issued by the ~~[Bureau of]~~ *United States* Citizenship and Immigration Services in the Department of Homeland Security.

Sec. 2. NAC 483.110 is hereby amended to read as follows:

483.110 1. The holder of a Class A noncommercial driver's license may drive:

(a) Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds, if the gross vehicle weight rating of the trailing vehicle is more than 10,000 pounds;

(b) Any combination of vehicles not exceeding 70 feet in length with a gross combination weight rating of 26,000 pounds or less so long as the gross combination weight rating of the towed vehicles does not exceed the gross vehicle weight rating of the towing vehicle; or

(c) A vehicle falling within Class B or Class C, but may not drive a motorcycle unless the holder obtains an appropriate endorsement.

2. The holder of a Class B driver's license may drive any single vehicle with a gross vehicle weight rating of 26,001 or more pounds, or any vehicle which is towing another vehicle which does not have a gross vehicle weight rating of more than 10,000 pounds, and all vehicles falling within Class C, but may not drive a motorcycle unless the holder obtains an appropriate endorsement.

3. The holder of a Class C driver's license may drive any single vehicle, or combination of vehicles, that does not meet the definition of a vehicle for which a Class A or Class B driver's license is required, including , *without limitation, any single vehicle, or combination of vehicles, that either is designed to transport 16 or more passengers, including the driver, or is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F*, a moped or a low-speed vehicle, but *the holder of a Class C driver's license* may not:

(a) Drive a motorcycle, unless the holder obtains an appropriate endorsement;

(b) Tow a vehicle with a gross vehicle weight rating of more than 10,000 pounds, unless the holder obtains a J endorsement;

(c) Drive a combination of vehicles with a gross combination weight rating of less than 10,000 pounds, unless the holder obtains an R endorsement; or

(d) Drive a combination of vehicles exceeding 70 feet in length.

4. The Department may place a restriction 1 on a Class A, Class B or Class C driver's license if the holder of the driver's license does not pass a knowledge test and a driving skills test in a vehicle which is equipped with air brakes.

5. In addition to the tests authorized by chapter 483 of NRS, the holder of a driver's license may be required to pass a driving skills test in an appropriate vehicle to receive an endorsement authorizing the holder to drive a specific type of vehicle.

6. The holder of a driver's license who is exempt from the requirements of NRS 483.900 to 483.940, inclusive, and NAC 483.800 to 483.850, inclusive, pursuant to the provisions of subsection 1 or 2 of NAC 483.850, may operate a vehicle described in subsection 1 or 2 of NAC 483.850 only if he obtains an F endorsement on his driver's license.

7. The holder of a Class M driver's license may drive a motorcycle, trimobile or moped. The holder of a Class A, Class B or Class C driver's license may drive a motorcycle only if he obtains a Class M endorsement on his driver's license.

8. An applicant who is administered a test of his driving ability on a motorcycle which does not exceed 6 1/2 horsepower or a displacement of 90 cubic centimeters will be issued a Class M driver's license with a U restriction.

9. An applicant who is administered a test of his driving ability on a motorcycle which has three wheels in contact with the ground will be issued a Class M driver's license with an X restriction.

10. An applicant who is administered a test of his driving ability on a moped as defined by NRS 483.088 will be issued a Class M driver's license with a Z restriction. A Class M driver's license with a Z restriction does not authorize the operation of any other motor vehicle.

11. An applicant who is administered a test of his driving ability in a low-speed vehicle will be issued a Class C driver's license with an X restriction. The Department will indicate on the back of such a driver's license that the holder may not drive a vehicle on a highway where the posted speed limit is greater than 35 miles per hour, except to cross a highway at an intersection.

12. As used in this section, unless the context otherwise requires:

(a) "Gross combination weight rating" means:

(1) The weight specified by the manufacturer of a vehicle as the combined loaded weight of that vehicle and a trailing vehicle; or

(2) If the manufacturer fails to specify a weight, the sum of the gross vehicle weight rating of the power unit, the weight of the trailing vehicle and the weight of any load thereon.

(b) "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.

(c) "Low-speed vehicle" has the meaning ascribed to it in NRS 484.527.

(d) "Moped" has the meaning ascribed to it in NRS 486.038.

(e) "Motorcycle" has the meaning ascribed to it in NRS 486.041.

(f) "Trimobile" has the meaning ascribed to it in NRS 486.057.

Sec. 3. NAC 483.800 is hereby amended to read as follows:

483.800 1. Except as otherwise provided in NAC 483.802, the Department hereby adopts by reference the provisions of 49 C.F.R. ~~[Part]~~ *Parts* 383 *and 384* as they existed on October 1, ~~[2001,]~~ *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 . ~~[, 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 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 \$64 from the Superintendent of Documents, United States Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954.

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

Sec. 4. 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 ~~⌋~~:

~~—(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”~~, *“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 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, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at the price of \$64.

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.