

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

LCB File No. R017-06

March 21, 2006

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

AUTHORITY: §§1 and 2, NRS 483.220 and 483.908; §3, NRS 483.220 and 483.473; §§4 and 5,
NRS 483.908.

A REGULATION relating to motor vehicles; revising provisions governing the assessment of demerit points for driving violations; abolishing medical waivers for certain physical conditions for commercial driving licenses; and providing other matters properly relating thereto.

Section 1. NAC 483.350 is hereby amended to read as follows:

483.350 1. The restrictions and compulsory requirements described in subsection 2 may be imposed when licensing persons to drive. A driver’s license will not be issued and a driving test will not be conducted until the applicant complies with the provisions of this section.

2. Restriction and Description

Criteria for Restriction

Restriction A - Corrective lenses.

This restriction is placed on the driver’s license of a person who meets the minimum levels of acceptable vision set forth in NAC 483.340 only with the aid of corrective lenses.

Restriction B - Telescopic device.

This restriction is placed on the driver's license of a person who meets the minimum levels of acceptable vision set forth in NAC 483.340 only with the aid of a telescopic device.

Restriction C - Additional rearview mirrors.

This restriction is placed on the driver's license of a person who is legally blind (20/200) in the right eye, whose hearing is impaired, who is required to wear a telescopic device while operating a motor vehicle or whose mobility of his head or neck is limited. The restriction may specify the requirement of a right or left outside mirror, outside mirrors on both sides, a wide rearview mirror or a mirror that extends across the entire width of the interior of the windshield.

Restriction G - Directional signals.

This restriction is placed on the driver's license of a person who is physically unable to perform signals with his arms or whose

license is restricted to hand controls.

Restriction H - Grip on steering wheel or power steering.

This restriction is placed on the driver's license of a person who has difficulty gripping or turning the steering wheel of the motor vehicle.

Restriction I - Hearing aid.

This restriction may be placed on the driver's license of a person who wears a hearing aid.

Restriction J - Seat cushion or automatic seat.

This restriction is placed on the driver's license of a person who the examiner determines is unable to see adequately out of the windows or reach the control pedals because of his size. This restriction is not limited to a seat cushion or automatic seat if another device is available.

Restriction K - Hand controls or pedal extensions.

This restriction is placed on the driver's license of a person who is physically unable to operate the control pedals of a motor vehicle.

Restriction L - Left foot accelerator.

This restriction is placed on the driver's license of a person who is physically unable to operate the right foot accelerator.

Restriction M - Yearly vision examination.

This restriction is placed on the driver's license of any person who is required to wear a telescopic device while operating a motor vehicle or a person whose vision is 20/50 or worse in both eyes and who is determined by an eye specialist to have a progressive abnormality or disease of the eye or a person whose vision is 20/100 or worse in one eye and whose vision is worse than 20/40 in the other eye.

Restriction N - Yearly medical letter.

This restriction is placed on the driver's license of a person who has had seizures or episodes of altered consciousness within the last 3 years or another physical or mental condition that his physician determines necessitates a yearly medical examination.

Restriction P - Physical examination every 2 years.

This restriction is placed on the driver's license of a person obtaining a commercial driver's license.

Restriction Q - Must wear prosthetic device.

This restriction is placed on the driver's license of a person who is required to wear a prosthetic device while operating a motor vehicle.

~~Restriction 7 - Medical waiver.~~

~~This restriction is placed on the commercial driver's license of a person who obtains a waiver pursuant to the provisions of NAC 483.803.]~~

3. The Department will place any other restriction that is not otherwise described in this section or NAC 483.365 upon the driver's license of a person if the physician of that person so recommends.

Sec. 2. NAC 483.365 is hereby amended to read as follows:

483.365 1. The restrictions and compulsory requirements described in subsection 2 may be imposed when licensing persons to drive. A driver's license will not be issued and a driving test will not be conducted until the applicant complies with the provisions of this section.

2. Restriction and Description

Criteria for Restriction

Restriction D - Daylight driving only.

This restriction is placed on the driver's license of a person with visual acuity of 20/50 or worse in both eyes, who is required to wear a telescopic device while operating a motor vehicle or who holds a motorcycle driver's instruction permit.

Restriction E - Speed not to exceed 45 miles per hour.

This restriction is placed on the driver's license of a person who is required to wear a telescopic device while operating a motor vehicle or upon the recommendation of a physician or the Department after the administration of a driving test to the applicant.

Restriction F - Automatic transmission.

This restriction is placed on the driver's license of a person who is physically unable to operate a motor vehicle that is equipped with a manual transmission or any person who completed the driving skills test for his Class A or Class B noncommercial driver's license or his commercial driver's license in

a motor vehicle that is equipped with an automatic transmission.

Restriction O - Yearly driving test.

This restriction is placed on the driver's license of a person based on the person's performance on his driving test or on the driver's license of a person who is required to wear a telescopic device while operating a motor vehicle.

Restriction R - No hazardous cargo that requires placarding or no passengers for hire.

This restriction applies to commercial drivers' licenses and is placed on the commercial driver's license of a person who is under 21 years of age, who has impaired vision or who has a clinical diagnosis of epilepsy or any other ailment that is likely to cause a loss of consciousness . [~~unless the person obtains a waiver pursuant to the provisions of NAC 483.803.]~~

Restriction X - Other restriction or instruction permit.

This restriction is used for any other restrictions that are not described in this section, NAC 483.350 or 483.360 and is

placed on each instruction permit issued by the Department.

3. The Department will place any other restriction that is not described in this section or NAC 483.350 upon the driver’s license of a person if the physician of that person so recommends.

4. As used in this section, “hazardous cargo that requires placarding” means any substance that requires the motor vehicle that transports that substance to bear a placard pursuant to the provisions of 49 C.F.R. § 397.2, as that regulation existed on November 14, 1997.

Sec. 3. NAC 483.510 is hereby amended to read as follows:

483.510 Demerit points will be assessed upon conviction of traffic violations as follows:

1. *Accidents:*

(a) Failing to stop and render aid at the scene of an accident..... 6 demerits

(b) Failing to disclose identity to a peace officer after a fatal

accident or an accident causing personal injury 6 demerits

(c) Leaving the scene of an accident involving property damage

before a peace officer arrives 6 demerits

2. Backing and pulling away:

(a) Starting improperly from a parked position..... 2 demerits

(b) Unsafe backing 2 demerits

~~{2.}~~ 3. Following too closely or failing to leave sufficient

distance between vehicles 4 demerits

~~{3.}~~ 4. Inattention to driving:

- (a) Driving without due care, including, without limitation, failing to decrease speed when necessary 4 demerits
- (b) Careless driving 6 demerits
- (c) Imprudent driving, including, without limitation, failing to maintain full attention 4 demerits
- (d) Coasting when prohibited 4 demerits

~~[4. Leaving the scene of an accident:~~

- ~~—(a) Failing to fulfill a duty to stop at the scene of an accident which involves damage to a vehicle or property 6 demerits~~
- ~~—(b) Failing to fulfill a duty to stop after causing damage to an unattended vehicle or property 4 demerits~~
- ~~—(c) Failing to fulfill a duty to give information and render aid at the scene of an accident 6 demerits]~~

5. Miscellaneous:

- (a) ~~[Driving on a highway closed to traffic 2 demerits~~
- ~~—(b)]~~ Driving onto or from a controlled access highway where prohibited 2 demerits
- ~~[(e)]~~ (b) Crossing over a fire hose 2 demerits
- ~~[(d)]~~ (c) Minor moving traffic violations other than those listed in this section 2 demerits
- ~~[(e)]~~ (d) Impeding or blocking traffic 2 demerits
- ~~[(f)]~~ (e) *Failing to drive in slow lane when required* 2 demerits
- (f) *Unsafe operation, including failing to use headlights when* 2 demerits

required.....

(g) Driving on a sidewalk, *ditch or shoulder* 1 demerit

~~(g)~~ (h) Following within 500 feet of ~~fire apparatus~~ *an emergency vehicle*..... 1 demerit

~~(h)~~ (i) Driving through a funeral or other procession 1 demerit

6. Motorcycle violations:

(a) Carrying too many passengers 1 demerit

(b) Failing to keep one hand on the handlebars..... 2 demerits

(c) Failing to wear protective headgear 2 demerits

(d) Failing to wear glasses, goggles or face shields when the motorcycle is not equipped with a windscreen 2 demerits

(e) Riding between vehicles which occupy adjacent lanes or operating more than two motorcycles abreast in a single lane..... 2 demerits

7. Overtaking and passing:

(a) Cutting in before it is safe in overtaking a vehicle 4 demerits

(b) Passing where prohibited or without sufficient clearance (except in a no-passing zone)..... 4 demerits

(c) Unsafe passing on the right..... 4 demerits

(d) Changing lanes improperly..... 4 demerits

8. *Passing a stopped school bus when it is displaying a flashing*

red light signal..... **4 demerits**

9. Reckless driving 8 demerits

~~9.~~ 10. Right-of-way:

- (a) Failing to yield at an open intersection 4 demerits
- (b) Failing to yield at a stop sign or at a controlled intersection 4 demerits
- (c) Failing to yield when entering a highway 4 demerits
- (d) Failing to yield to an emergency vehicle 4 demerits
- (e) Failing to yield to or to exercise due care to avoid a collision
with a pedestrian..... 4 demerits
- (f) Failing to yield to or to exercise due care to avoid a collision
with a person riding a bicycle 4 demerits
- (g) Failing to yield when turning..... 4 demerits*
- (h) Failing to yield at a private driveway..... 4 demerits*

~~10. School buses:~~

- ~~(a) Passing a stopped school bus when its red light is flashing..... 4 demerits~~
- ~~(b) Driving a school bus at any speed in excess of the posted limit..... 4 demerits]~~

11. Signaling:

- (a) Failing to give the appropriate signal when required..... 1 demerit
- (b) Failing to sound the horn when required 1 demerit

12. Speeding:

- (a) ~~Speeding in a school zone at least 1, but not more than 15,~~
~~miles per hour over the posted speed limit..... 4 demerits~~
- ~~(b) Speeding in a school zone at least 16 miles per hour over the posted
speed limit..... 6 demerits~~
- ~~(c)] Speeding at least [21] 41 miles per hour over the posted speed limit [4] 5 demerits~~
- ~~(d) Excessive speed for the conditions, with no actual speed 2 demerits~~

~~indicated.....~~

~~(e)~~ (b) Speeding at least ~~[16,] 31~~, but not more than ~~[20,] 40~~,
miles per hour over the posted speed limit..... ~~[3] 4~~ demerits

~~[(f) Speeding at least 15 miles per hour over the posted speed limit
if the vehicle is used for commercial purposes 4 demerits~~

~~(g)~~ (c) Speeding at least ~~[11,] 21~~, but not more than ~~[15,] 30~~,
miles per hour over the posted speed limit..... ~~[2] 3~~ demerits

~~[(h)] (d) Speeding at least 11, but not more than 20, miles per
hour over the posted speed limit..... 2 demerits~~

(e) Speeding at least 1, but not more than 10, miles per hour over
the posed speed limit, unless the person is speeding as set forth in
subsection 1 of NRS 484.3685 1 demerit

(f) *Speeding with no actual speed or other relevant information
indicated..... 2 demerits*

13. Traffic signs, signals and road markings that regulate, warn or
guide traffic:

(a) Disobeying a police officer or a flag person 4 demerits

(b) Disregarding an official traffic control device, including,
without limitation, signs, signals and markings 4 demerits

(c) Disregarding an official traffic control device which exhibits
colored lights 4 demerits

(d) Disregarding *or failing to stop at* a railroad signal or *marked* 4 demerits

- crossing gate.....
- (e) ~~Failing to stop at a marked railroad crossing.....~~ 4 demerits
 - ~~(f)~~ Driving through a safety zone 4 demerits
 - ~~(g)~~ (f) Passing in a no-passing zone or over a double yellow line..... 4 demerits
 - ~~(h)~~ (g) Disregarding a road block sign or control 4 demerits
 - (h) Disregarding the control signal of a school crossing guard 4 demerits*
14. Turning movements:
- (a) Unsafe turn using an improper position and method 4 demerits
 - (b) Improper or prohibited U-turn, or U-turn on a curve or a hill 3 demerits
15. Wrong side or wrong way:
- (a) Driving the wrong way on a one-way street 4 demerits
 - (b) Driving in the center lane when unnecessary 4 demerits
 - (c) Failing to drive on the right side when required 4 demerits
 - (d) Driving on the wrong side of a ~~divided~~ highway 4 demerits
 - (e) Failing to keep ~~to the right~~ *in the proper lane* on a mountain highway 4 demerits
 - (f) Driving the wrong way around a rotary traffic island 4 demerits*
16. Impaired driving:
- (a) Driving with impaired ability because of alcohol or drugs..... 7 demerits
 - (b) Drinking an alcoholic beverage while driving..... 5 demerits

Sec. 4. NAC 483.820 is hereby amended to read as follows:

483.820 1. On or after July 1, 1990, the Department will, upon the payment of the required fee, issue to every qualified applicant a commercial driver’s license containing:

- (a) The prominent statement that the license is a commercial driver's license;
- (b) The full name, signature and mailing address of the licensee;
- (c) Physical and other information to identify and describe the licensee, including his date of birth, sex and height;
- (d) A front view color photograph of the licensee;
- (e) A unique driver's license number, assigned to the licensee in a manner consistent with the requirements set forth in NRS 483.345;
- (f) ~~[(The licensee's social security number, unless he requests that it not appear on the license;~~
- ~~[(g)]~~ (g) The prominent display of the word Nevada;
- ~~[(h)]~~ (g) The date of issuance and the date of expiration of the license;
- ~~[(i)]~~ (h) The class or type of the vehicle to be operated, including an endorsement obtained pursuant to 49 C.F.R. § 383.93 that the licensee is authorized to operate that type of vehicle; and
- ~~[(j)]~~ (i) Any restriction placed on the licensee by the Department.

2. A person may attach to his driver's license a document which identifies him as a donor of all or any part of his body pursuant to NRS 451.500 to 451.590, inclusive.

Sec. 5. NAC 483.803, 483.8031, 483.8032, 483.8033, 483.8034, 483.8035, 483.8036 and 483.807 are hereby repealed.

TEXT OF REPEALED SECTIONS

483.803 Waiver of certain physical requirements: Submission and contents of application. (NRS 483.908)

1. A person who is not physically qualified to operate a commercial motor vehicle pursuant to paragraph (b)(1), (b)(2), (b)(3) or (b)(8) of 49 C.F.R. § 391.41, but who is otherwise qualified to operate a commercial motor vehicle, may apply to the Department for a waiver of the physical requirements with which he does not comply.

2. An applicant for a waiver of one or more of the physical requirements described in subsection 1 must submit to the Department an application on a form prescribed by the Department. The application must include:

(a) The applicant's name, date of birth, address, telephone number and social security number or driver's license number;

(b) The type of vehicle the applicant will operate;

(c) The type of commodities or cargo the applicant will transport;

(d) The type of transmission, braking system and steering system of the vehicle which the applicant will operate;

(e) Whether the applicant is self-employed, employed by a motor carrier or unemployed as a commercial driver;

(f) Information relating to the driving history of the applicant, including, without limitation, the number of years he has been licensed to drive a motor vehicle and the number of years he has operated the type of vehicle for the operation of which he is requesting a license;

(g) If the applicant is or will be employed by a motor carrier, the name and address of the motor carrier;

(h) A description of any modifications made to the vehicle for the driver; and

(i) Any additional information which the Department deems necessary to determine the applicant's ability to operate a commercial motor vehicle safely.

3. The application must be submitted to the Department of Motor Vehicles, 810 East Greg Street, Sparks, Nevada 89431.

483.8031 Waiver of certain physical requirements: Requirements for issuance; refusal to issue; restrictions on use of medical information submitted to Department. (NRS 483.908)

1. An applicant for a waiver of one or more of the physical requirements described in NAC 483.803 must submit to the Department with his application:

(a) A copy of a medical examination required pursuant to paragraph (e) of 49 C.F.R. § 391.43;

(b) A copy of a medical certificate required pursuant to 49 C.F.R. § 391.43; and

(c) A written statement of a physician if the applicant suffers from a physical impairment or by a physician or optometrist if the applicant suffers from a visual impairment. The statement must:

(1) Identify and describe the visual or physical impairment of the applicant;

(2) Indicate whether the applicant's condition is stable or progressive;

(3) Certify that the applicant is able to operate a commercial motor vehicle;

(4) Certify that the vision of the applicant is at least 20/40, corrected or uncorrected, in at least one eye if the applicant suffers from a visual deficiency;

(5) If a limb of the applicant has been amputated or otherwise impaired, assess the physical capabilities of the applicant as they relate to his ability to perform the tasks specified in the description of the applicant's job which the applicant must provide to the physician;

(6) If the applicant wears a prosthetic or orthotic device, include a description of the manner in which the prosthetic or orthotic device operates; and

(7) If the applicant suffers from epilepsy or any other condition which is likely to cause loss of consciousness or any loss of the ability to control a commercial motor vehicle safely or if he is diabetic and dependent upon insulin, indicate the date of his most recent seizure and whether:

(I) The seizure was an isolated incident;

(II) Additional seizures are likely to occur; and

(III) The prescribed medication will interfere with the person's ability to operate a motor vehicle.

2. An applicant who suffers epilepsy or any other condition which is likely to cause loss of consciousness or any loss of the ability to control a commercial motor vehicle safely, or is diabetic and dependent upon insulin, will not be issued a waiver unless:

(a) He has not suffered any fainting or dizzy spells, seizures or other similar disorders for the 3 consecutive months preceding the date the Department receives the application; and

(b) A physician's diagnosis of the applicant's condition and its effect on the person's ability to operate a motor vehicle safely has been submitted to the Department.

3. The Department may require an applicant to submit the opinion of more than one physician or optometrist if the Department deems it appropriate. Regardless of the opinion of a physician or optometrist, the Department will refuse to issue a waiver if the Department determines that it is in the best interests of the public to refuse to issue a waiver to the applicant.

4. An applicant for a waiver who wears a prosthetic or orthotic device must demonstrate his ability to operate safely the type of motor vehicle he intends to operate. The Department may require any other applicant to demonstrate his ability to operate safely the type of motor vehicle he intends to operate if the Department determines that such a demonstration is necessary.

5. The Department will not use the information included in any medical report submitted pursuant to this section for any purpose other than to determine the physical or mental competency of the applicant to operate a commercial motor vehicle in this State. The information is privileged and may be released only to the applicant, upon his written release, or pursuant to a court order.

483.8032 Waiver of certain physical requirements: Approval or denial of application; request for additional information. (NRS 483.908)

1. The Department will, based upon the documents submitted by the applicant pursuant to NAC 483.803 and 483.8031, deny an application for a waiver of one or more of the physical requirements described in NAC 483.803 or grant the waiver totally or in part. A waiver is subject to any terms, conditions and limitations specified by the Department.

2. The Department will notify the applicant whether his application is approved or denied or request additional information from the applicant within 30 days after the receipt of the documents submitted by the applicant pursuant to NAC 483.803 and 483.8031.

483.8033 Waiver of certain physical requirements: Deadline for submission of application for license; requirements upon issuance of waiver; revocation of license and waiver. (NRS 483.908)

1. A person to whom a waiver of one or more of the physical requirements described in NAC 483.803 is issued must apply for a commercial driver's license within 30 days after the date on which the waiver is approved or must submit revised versions of the documents required pursuant to NAC 483.8031.

2. Any driver to whom a waiver is issued:

(a) Shall, if he is employed by a motor carrier, submit to the motor carrier a copy of the waiver.

(b) Shall have the waiver and a commercial driver's license in his possession while operating a commercial motor vehicle.

(c) Shall not operate a commercial motor vehicle outside this State and may be restricted from transporting passengers for compensation or transporting hazardous materials of a type or quantity for which the vehicle in which they are transported must be placarded pursuant to 49 C.F.R. Part 172.

(d) Shall submit a written report to the Department, on a form approved by the Department, within 15 days after he is:

(1) Convicted of a moving violation involving the operation of a commercial motor vehicle; or

(2) Involved in an accident while operating a commercial motor vehicle. The driver shall also submit all accident reports completed by a federal or state agency concerning the accident.

3. The Department will revoke the commercial driver's license and waiver of any driver who violates any provision of this section.

483.8034 Waiver of certain physical requirements: Contents; expiration. (NRS 483.908)

1. A waiver of one or more of the physical requirements described in NAC 483.803 must contain:

- (a) The driver's name, date of birth and social security number;
- (b) The number assigned to the waiver by the Department;
- (c) The effective date and expiration date of the waiver; and
- (d) Any conditions or restrictions pursuant to which the waiver is issued.

2. A waiver expires upon the expiration of the holder's driver's license.

483.8035 Waiver of certain physical requirements: Requirements for renewal of waiver; renewal of license. (NRS 483.908)

1. Each person who wishes to renew a waiver of one or more of the physical requirements described in NAC 483.803 must submit an application for renewal on a form provided by the Department.

2. The application must include:

(a) The applicant's full name, date of birth, social security number and driver's license number;

(b) The number assigned to the waiver;

(c) The type and class of vehicles which the applicant is licensed to operate and any restrictions placed on that license by the Department;

(d) If he is employed by a motor carrier, the name and address of the motor carrier;

(e) The number of accidents and number of convictions for moving violations received while operating pursuant to the waiver; and

(f) The type or class of vehicle the applicant intends to operate if different from the type or class of vehicle operated pursuant to the waiver.

3. An application for renewal must be accompanied by revised versions of the documents required pursuant to NAC 483.8031 for the original waiver.

4. A person to whom a waiver is issued may not renew a license to operate a commercial motor vehicle until the application for renewal of the waiver is approved by the Department.

483.8036 Waiver of certain physical requirements: Revocation or refusal to renew.

(NRS 483.908) The Department may revoke or refuse to renew a waiver of one or more of the physical requirements described in NAC 483.803 if the Department determines that:

1. The information on the original application or the application for renewal was falsified by the applicant;

2. The applicant failed to comply with the conditions or restrictions of the waiver;

3. The applicant does not qualify for the issuance of the waiver; or

4. The applicant is no longer physically or mentally able to operate a commercial motor vehicle safely.

483.807 Waiver of certain physical requirements for instruction permit: Requirements for application; conditions and restrictions; expiration; renewal prohibited. (NRS 483.908)

1. A person who wishes to apply to the Department for a commercial driver's license instruction permit may apply to the Department for a waiver of the physical requirements described in NAC 483.803 in the same manner as prescribed for a person who wishes to apply for a commercial driver's license.

2. A waiver issued to a person who wishes to obtain a commercial driver's license instruction permit is subject to the same conditions and restrictions as a waiver issued to an applicant who wishes to obtain a commercial driver's license, except that a waiver issued to a person with an instruction permit expires upon the expiration of the permit.

3. The Department will not renew a waiver issued to a person who wishes to obtain a commercial driver's license instruction permit.