

LCB File No. R159-01

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

Effective January 1, 2002

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

AUTHORITY: NRS 483.908 and 483.912.1

COMMERCIAL DRIVERS' LICENSES

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

Definitions As used in NAC 483.140 to 483.196, inclusive, unless the context otherwise requires: the words and terms defined in NAC 483.140 to 483.196, inclusive, have the meanings ascribed to them in those sections.

“Certify Driving Ability of Employee” defined. “Certify Driving Ability of Employee” means a business that has been given the authority by the department to test employees for driver’s licenses, hereafter known as “Third Party Certifier”.

“Employee” defined. “Employee” means a person who is employed by a business for wages and salary and appear as such in the business’ payroll records.

“Representative” defined. “Representative” means a person who is appointed by a Third Party Certifier to test fellow employees for driver’s licenses.

Sec. 2. NAC 483.140 is hereby amended to read as follows:

483.140 ~~[Authority to certify driving ability of employee; Eligibility; scope; assignment of number]~~
Requirements of a third party certifier. (NRS 481.051, 483.908, 483.912)

1. ~~[Any person doing business in this state who owns or leases 20 or more vehicles for which a class A, class B or class C driver’s license is required may apply to the department for authorization to certify the driving ability of a person employed by him who desires to obtain a class A, class B or class C driver’s license and to sign an affidavit of certification to that effect.]~~ *The requirements to become a third party certifier, in this state are for the applicant to:*

(a) Owns or leases 10 or more vehicles; and

(b) There is at least one vehicle available for a class A, B or C driver’s license being certified.

2. ~~[A person who is authorized to certify the driving ability of an employee, and who owns or leases 20 or more vehicles for which a class A, class B or class C driver’s license is required, at least one of which is a vehicle for which a class A driver’s license is required, may certify the driving ability of the employee and sign an affidavit of certification for the operation of a vehicle for which a class A~~

~~driver's license is required.~~

~~3. A person who is authorized to certify the driving ability of an employee, and who owns or leases 20 or more vehicles for which a class A, class B or class C driver's license is required, at least one of which is a vehicle for which a class B driver's license is required, may certify the driving ability of an employee and sign an affidavit of certification for the operation of a vehicle for which a class B driver's license is required.~~

~~4. A person who is authorized to certify the driving ability of an employee, and who owns or leases 20 or more vehicles for which a class C driver's license is required, may certify the driving ability of an employee and sign an affidavit of certification for the operation of a vehicle for which a class C driver's license is required.~~

~~5.] An [person who is authorized to certify the driving ability of an employee] **applicant as a third party certifier will appoint a representative(s) of the business who** must:~~

~~(a) Successfully complete a 40 hour course provided by the department for administering a driving skills test for a commercial driver's license;~~

~~(b) Hold a **valid** license of the class and type for which he is certifying driving ability of that employee and signing an affidavit of certification, but may not sign for himself; and~~

~~(c) Administer the driving skills test in the same class of vehicle for which the class and type of license the employee's driving ability is being certified is required.~~

~~(d) **Will be authorized to complete the affidavit of certification form.**~~

~~[6. The department will assign a number to each person the department authorizes to sign an affidavit of certification for the operation of a vehicle for which a class A, class B or class C driver's license is required. This number must be used when completing an affidavit of certification.]~~

Sec. 3. NAC 483.150 is hereby amended to read as follows:

483.150 Application for ~~[authority to certify driving ability of employee]~~ **third party certifier**: Form; action by department.

1. An ~~[person who is applying for authority to certify the driving ability of an employee]~~ **applicant for a third party certifier** must complete an application on a form provided by the department. This form may include, but is not limited to:

(a) An authorization for an investigation of the background of the applicant;

(b) An authorization for an investigation of the credit of the applicant;

(c) The personal history of the applicant;

(d) The driving history of the applicant; and

(e) A statement that the applicant has read and will comply with the regulations and requirements for certification adopted by the department.

2. In evaluating an ~~[person's]~~ **applicant's** eligibility ~~[for certifying the driving ability of an employee and signing an affidavit of certification]~~ **as a third party certifier's representative(s)**, the department may consider the class of his driver's license, his driving history and any additional information which it deems pertinent **the department** to his eligibility **to become a third party certifier's representative(s)**.

3. The evaluation of an application for ~~[authority to certify the driving ability of an employee]~~ **a third party certifier** may include a ~~[visit to]~~ **site inspection of** the applicant's place of business. This ~~[visit]~~ **site inspection** may include, but is not limited to, a visual inspection of:

(a) The vehicles used for training;

(b) Copies of training programs;

(c) Skill tests;

- (d) Driving tests;
- (e) Tests of laws and regulations; and
- (f) Qualifications of ~~[instructors]~~ *third party certifier's representative(s)*.

4. If the department ~~[disapproves]~~ *denies* an application, it will notify the applicant by certified mail of its ~~[disapproval and the reason for the disapproval]~~ *decision*. Except as otherwise provided in NAC 483.183, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures he has taken to correct the deficiency that caused the ~~[disapproval]~~ *denial* of the original application.

5. The department may assign a number to each third party certifier's representative(s). This number must be used when completing an affidavit of certification.

Sec. 4. NAC 483.160 is hereby amended to read as follows:

483.160 ~~[Person a]~~ *Authorized* ~~[to certify driving ability of employee]~~ *third party certifier*: ~~[Required n]~~ *Notification[s] requirements*; renewal of authority. (NRS 481.051, 483.908, 483.912)

1. If at any time the number of vehicles owned or leased by a ~~[person who is authorized to certify the driving ability of an employee]~~ *third party certifier* falls below the minimum requirement of ~~[20]~~ *10* vehicles, the ~~[person]~~ *third party certifier* shall immediately notify the department ~~[which will delete his name from the list of eligible persons authorized to certify the driving ability of an employee]~~.

2. If a ~~[person authorized to certify the driving ability of an employee]~~ *third party certifier's representative* does not maintain a valid driver's license of the class for which he is authorized to certify, he shall immediately notify the department ~~[which will delete his name from the list of eligible persons authorized to certify the driving ability of an employee]~~.

3. A ~~[person authorized to certify the driving ability of an employee]~~ *third party certifier* shall notify the department within 10 days after a change in address.

4. Any ~~[person assigned a number by the department]~~ *approved third party certifier* may renew the authorization each year on a form furnished by the department. If the ~~[person]~~ *third party certifier* fails to renew the number within 30 days after the date of expiration, his authority ~~[to certify the class A, class B or class C driving test of an employee]~~ *as a third party certifier* expires.

(a) If a third party certifier's certification expires for 30 days or longer, the third party certifier will have to reapply as if he where applying for the first time.

Sec. 5. NAC 483.170 is hereby amended to read as follows:

483.170 ~~[Person authorized to certify the driving ability of an employee]~~ *Third party certifier*: Monitoring by department; correction of deficiencies~~;~~ ~~[revocation of authority]~~. (NRS 481.051, 483.908, 483.912)

1. The department may monitor *the instruction teaching skills and testing of* all ~~[persons authorized to certify the driving ability of an employee]~~ *third party certifiers and representatives* annually or as often as it deems necessary. ~~[The monitoring may include an inspection of the person's place of business and other methods deemed appropriate by the department.]~~

2. If the department determines after an inspection that a ~~[person]~~ *third party certifier or representatives* no longer meets the requirements ~~[for certifying the driving ability of an employee]~~ *as a third party certifier*, it will notify the ~~[person]~~ *third party certifier* of the deficiencies. If the deficiencies are minor, the ~~[person]~~ *third party certifier* may be allowed not more than 60 days to correct the ~~[m]~~ *deficiencies*. If the deficiencies are not corrected within that time, the ~~[authority to certify the driving ability of an employee]~~ *third party certifier* will be revoked.

~~[3. The department will notify the person by certified mail if the authority to certify the driving ability of an employee is revoked and will state in the notice the reason for the revocation. The person authorized to certify the driving ability of an employee may appeal the revocation to the departmental hearing officer within 20 days after receipt of the notice]~~

Sec. 6. NAC 483.180 is hereby amended to read as follows:

483.180 ~~[Person authorized to certify the driving ability of an employee]~~ *Third party certifier* : Procedures and records. (NRS 481.051, 483.908, 483.912)

1. A ~~[person authorized to certify the driving ability of an employee]~~ *third party certifier's representative* may not ~~[teach]~~ *instruct* an employee to drive *and operate* a vehicle for which a class A, class B or class C driver's license is required by permitting the vehicle to be driven on a public highway, unless the employee has obtained an instruction permit for the class of vehicle he is learning to drive. The ~~[person who is authorized to certify the driving ability of an employee]~~ *third party certifier's representative* shall ensure that his pupil adheres to the requirements pertaining to the instruction permit.

(a) Any passenger with a driver who has an instruction permit must hold a license for the same class and endorsements as the driver for at least one year.

2. Before certifying the ability of an employee to drive a vehicle for which a class A, class B or class C driver's license is required, the ~~[person certifying the driving ability of the employee]~~ *third party certifier's representative* must determine that the employee is able to operate safely and control fully the vehicle for which a class A, class B or class C driver's license is required.

3. The ~~[person who is certifying the driving ability of an employee]~~ *third party certifier's representative* shall state on a form approved by the department the means by which he determined the qualifications of the employee to operate the vehicles for which a class A, class B or class C driver's license is required.

4. A ~~[person certifying the driving ability of an employee]~~ *third party certifier* shall maintain a record for each employee who applies for certification and who is subsequently certified by him. The record must include a description of the training and tests given to each employee. The record must be available for inspection by a representative of the department during normal business hours.

Sec. 7. NAC 483.183 is hereby amended to read as follows:

483.183 Revocation ~~[or denial of authority to certify driving ability of employee]~~ *of third party certifier*: Grounds; effect of revocation.

1. The department ~~[will]~~ *may* revoke a ~~[person's authority to certify the driving ability of an employee or will deny a person's application for such authority]~~ *third party certifier* if the person has been convicted of:

(a) Driving under the influence of an intoxicating liquor or a controlled substance within the past 7 years;

(b) A gross misdemeanor or felony relating to the management of money or a business;

(c) Fraud;

(d) Embezzlement; or

(e) Possessing more than one valid driver's license issued to him under a name other than his own, or issued to him by more than one state, or both.

(f) Falsification of an application or of the information requested in conjunction other information to obtain a maintaining a license or authorization granted by the department.

2. Any ~~[person who is denied authorization to certify the driving ability of an employee, or]~~ *third*

party certifier whose authorization is revoked pursuant to this section:

(a) May not reapply for authorization until 2 years after the date of ~~[denial or]~~ revocation; and

(b) Must attend a training program approved by the department for the certification of a driver at the time he reapplies ~~[for authorization to certify the driving ability of an employee]~~ *as a third party certifier.*

3. The third party certifier or representative has the right to hearing in accordance with provisions in Nevada Revised Statute, Chapter 233B.

NONCOMMERCIAL DRIVERS' LICENSES

Sec. 8. NAC 483.190 is hereby amended to read as follows:

483.190 ~~[Authority to certify driving ability; Eligibility; assignment of number]~~ *Requirements of a third party certifier; action by department.*

1. ~~[Any person in this state who owns or leases two or more vehicles for which a class A or class B driver's license is required may apply to the department for authorization to certify the driving ability of a person desiring to obtain a class A or class B driver's license and to sign an affidavit to that effect.]~~ *The requirements to become a third party certifier, in this state are for the applicant to:*

(a) *Owns or leases two or more vehicles; and*

(b) *That there is at least one vehicle available for the class A or B driver's license being certified.*

2. ~~[A person who is authorized to certify the driving ability of another person, and who owns or leases a vehicle for which a class A driver's license is required, may certify the driving ability of the other person and sign an affidavit using Form DLD 33, for the operation of a vehicle for which a class A or class B driver's license is required. A person who is authorized to certify the driving ability of another person, and who owns or leases only vehicles for which a class B driver's license is required, may certify the driving ability of another person and sign an affidavit for the operation of only vehicles for which a class B driver's license is required.]~~ *An applicant for third party certifier must complete an application appoint representative(s) of the business who must:*

(a) *Hold a license of the class and type for which he is certifying driving ability of that employee and signing an affidavit of certification, but may not sign for himself; and*

(b) *Will be authorized to complete the affidavit of certification form.*

~~[3. A person who is authorized to certify the driving ability of another person must hold a license of the class for which he is certifying and signing an affidavit, but may not sign for himself. The department will assign a number to each person the department authorizes to sign affidavits for the operation of vehicles for which a class A or class B driver's license is required. This number must be used when completing Form DLD 33.]~~ *Application for a third party certifier must complete an application on a form provided by the department. This form may include, but is not limited to:*

(a) *An authorization for an investigation of the background of the applicant;*

(b) *The personal history of the applicant;*

(c) *The driving history of the applicant; and*

(d) *A statement that the applicant has read and will comply with the regulations and requirements for certification adopted by the department.*

4. Evaluating an applicant's eligibility as a third party certifier's representative(s), the department may consider the class of his driver's license, his driving history and any additional information which it deems necessary for the department to evaluate his eligibility to become a third party

certifier's representative(s).

5. The evaluation of an application for a third party certifier may include a site inspection of the applicant's place of business. This site inspection may include, but is not limited to, a visual inspection of:

- (a) The vehicles used for training;
- (b) Copies of training programs;
- (c) Skill tests;
- (d) Driving tests;
- (e) Tests of laws and regulations; and
- (f) Qualifications of third party certifier's representative(s).

6. If the department denies an application, it will notify the applicant by certified mail of its decision. Except as otherwise provided in NAC 483.183, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures he has taken to correct the deficiency that caused the denial of the original application.

7. The department may assign a number to each third party certifier's representative(s). This number must be used when completing an affidavit of certification.

Sec. 9. NAC 483.192 is hereby amended to read as follows:

483.192 ~~[Person authorized to certify the driving ability]~~ **Authorized third party certifier:** ~~[Required]~~ ~~[n]~~Notification[s] **requirements**; renewal of authority.

1. If at any time the number of vehicles owned or leased by a ~~[person who is authorized to certify the driving ability of another person]~~ **third party certifier** falls below the minimum requirement of two vehicles, the ~~[person]~~ **third party certifier** shall immediately notify the department~~[, which will delete his name from the list of eligible persons authorized to certify the driving ability of another person]~~.

2. If a ~~[person authorized to certify the driving ability of another person]~~ **third party certifier representative** does not maintain a valid driver's license of the class for which he is authorized to certify, he shall immediately notify the department~~[, which will delete his name from the list of eligible persons authorized to certify the driving ability of another person]~~.

3. A ~~[person authorized to certify the driving ability of another person]~~ **third party certifier** must notify the department within 10 days after a change in address.

4. Any ~~[person assigned a number by the department]~~ **approved third party certifier** must, every fourth year, upon notification from the department, renew the authorization on a form furnished by the department. If the ~~[person]~~ **third party certifier** fails to renew the number within 30 days after notification, the authority ~~[to certify the class A or class B driving test of another person]~~ **as a third party certifier** expires.

(a) *If a third party certifier authorization expires for 30 days or longer, the third party certifier must reapply as if he were applying for the first time.*

Sec. 10. NAC 483.194 is hereby amended to read as follows:

483.194 ~~[Person authorized to certify driving ability]~~ **Third party certifier** : Monitoring by department; correction of deficiencies~~;~~ ~~[; revocation of authority]~~.

1. The department may monitor any ~~[person authorized to certify the driving ability of another person]~~ **third party certifier** annually or as often as it deems necessary. ~~[The monitoring may include an inspection of the person's place of business and other methods deemed appropriate by the department.]~~

2. If the department determines after an inspection that a ~~{person}~~ *third party certifier or representatives* no longer meets the requirements ~~{for certifying drivers}~~ *as a third party certifier*, it will notify the ~~{person}~~ *third party certifier* of the deficiencies. If the deficiencies are minor, the ~~{person}~~ *third party certifier* may be allowed 60 days to correct them. If the deficiencies are not corrected within that time, the ~~{authority to certify drivers}~~ *third party certifier* will be revoked.
~~{3. The department will notify the person by certified mail if the authority to certify a driving test for a class A or class B driver's license is revoked and will state in the notice the reason for the revocation. The person authorized to certify the driving ability of another person may appeal the revocation to the departmental hearing officer within 20 days after receipt of the notice.}~~

Sec. 11. NAC 483.196 is hereby amended to read as follows:

483.196 ~~{Person authorized to certify driving ability}~~ *Third party certifier*: Procedures and records.

1. A ~~{person who is authorized to certify the driving ability of another person}~~ *third party certifier* may not ~~{teach another person}~~ *instruct an employee* to drive a class A or class B motor vehicle by permitting the vehicle to be driven on a public highway unless the other person has obtained an instruction permit for the class of vehicle he is learning to drive. The ~~{person who is authorized to certify the driving ability of another person}~~ *third party certifier* must ensure that his student adheres to the requirements pertaining to the instruction permit.
2. Before certifying the ability of ~~{a person}~~ *an employee* to drive a vehicle for which a class A or class B driver's license is required, the ~~{person certifying the driving ability of the other person}~~ *third party certifier's representative* must determine that the ~~{other person}~~ *employee* is able to operate safely and control fully the vehicle for which a class A or class B driver's license is required, in a responsible manner ensuring the safety of the driving public.
3. The ~~{person who is certifying the driving ability of another person}~~ *third party certifier's representative* shall state on ~~{Form DLD-33}~~ *a form approved by the department* the means by which he determined the applicant's qualifications to operate the vehicles for which a class A or class B driver's license is required.
4. A ~~{person certifying the driving ability of another person}~~ *third party certifier* shall maintain records of all ~~{persons}~~ *employees* applying for certification and subsequently certified by him. The record must include a description of the training and tests given to each ~~{person}~~ *employee*. These records must be available for inspection by a representative of the department during normal business hours.

Sec. 12. Chapter 483 of NAC is hereby amended by adding thereto a new section to read as follows:

Revocation of third party certifier: Grounds; effect of revocation.

1. The department may revoke a third party certifier if the person has been convicted of:

(a) Driving under the influence of an intoxicating liquor or a controlled substance within the past 7 years;

(b) A gross misdemeanor or felony relating to the management of money or a business;

(c) Fraud;

(d) Embezzlement; or

(e) Possessing more than one valid driver's license issued to him under a name other than his own, or issued to him by more than one state, or both.

(f) Falsification of an application or of the information requested in conjunction other information to obtain a maintaining a license or authorization granted by the department.

2. *Any third party certifier whose authorization is revoked pursuant to this section:*
 - (a) *May not reapply for authorization until 2 years after the date of ~~[denial or]~~ revocation; and*
 - (b) *Must attend a training program approved by the department for the certification of a driver at the time he reapplies as a third party certifier.*
3. *The third party certifier has a right to hearing in accordance with provisions in Nevada Revised Statute, Chapter 233B.*